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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/662,222 | 09/14/2000 | Rogelio Sosa | NETS:0004 | 2445 |
| 26122 | 7590 | 05/03/2004 | EXAMINER | |
| GARY R. STANFORD 610 WEST LYNN AUSTIN, TX 78703 | | | SHIH, SALLY | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3624 | |

DATE MAILED: 05/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|------------------------|---------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/662,222 | SOSA ET AL. |
| | Examiner | Art Unit |
| | Sally Shih | 3624 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM
 THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 12 February 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-5,7-29 and 31-48 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-5,7-29 and 31-48 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date 3-5.
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. ____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: ____.

DETAILED ACTION

1. This communication is response to Applicant's amendment filed on February 12, 2004.

The rejections are as stated below:

Status of Claims

2. Of the original claims 1-48, claims 1, 26 and 42 have been amended and claims 6 and 30 have been cancelled. Accordingly, claims 1-5, 7-29 and 31-48 are under prosecution in this application.

Summary of this Office Action

3. Applicant's arguments filed on February 12, 2004 have been fully considered, and discussed in the next section below or within the following rejection are not deemed to be persuasive. Therefore, claims 1-5, 7-29 and 31-48 are rejected as being unpatentable over the art cited below, and Applicant's request for allowance is respectfully denied.

Response to Applicant's Arguments

4. Applicant's arguments filed on February 12, 2004 have been fully considered but they are not persuasive. Applicant's traversals are discussed under 35 USC § 102 (e).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 3624

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-5, 7-13, 16-23, 25-29, 31, 32, 41, 42, 44-48 are rejected under 35 U.S.C. 102 (e) as being anticipated by Demoff et al., U.S. Patent No. 6,456,984 B1 as discussed from the second paragraph of page 2 of paper number 2.

Applicant argued that for claim 6 which has been incorporated into claim 1 disclosed that “valid charge numbers are issued”...”in response to a request”. To the contrary, Demoff disclosed the “issuance of a credit transaction number” upon request (see at least column 2, lines 10-21).

Applicant then argued that claims 2-5 and 7-25 should be allowed because they are dependent claims of claim 1. Please see response above incorporated herein.

Applicant argued that independent claim 30 and its dependent claims 27-29 and 31-41 should be allowed due to same argument provided for claim 6. Please see response above incorporated herein.

Art Unit: 3624

Applicant argued that independent claim 42 and its dependent claims 43-48 should be allowed due to same argument provided for claim 6. Please see response above incorporated herein.

Applicant then argued that Demoff failed to disclose pre-certifying an issuing system for valid charge cards as disclosed in claim 13. To the contrary, Demoff disclosed such feature (see at least figs. 1, 8 and associated text; col. 2, lines 37-42)

Applicant then argued that Demoff failed to disclose the feature of settling a transaction as disclaimed in claims 21 and 22. To the contrary, Demoff teaches this feature (see at least fig. 7 and associated text).

Applicant then argued that Demoff failed to disclose steps recited in claims 23, 38, 45 and 46. To the contrary, Demoff disclosed the use of personal computing telephone, mobile telephone and personal computers which are capable sending, receiving emails and accessing links through the internet.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14, 15, 33, 34 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Demoff et al. (United States Patent Number 6,456,984 B1) in view of Cohen et al. (United

States Patent Number 6,505,171 B1) as discussed from the last paragraph of page 10 of paper number 2.

The Examiner would like to apologize for the typographic error made with respect to the term "position". As correctly inferred by the applicant, the Examiner meant to use the term "positive" instead of "position".

Applicant argued that Demoff failed to disclose the use of pre-paid cards. Such feature is provided by the secondary reference Cohen. Applicant then argued that the internet link feature was not disclosed. Contrary to applicant's argument, Cohen disclosed a method and system where a global computer network serves as a primary communication medium (see at least col. 2, lines 65-67, col. 3, lines 1-51).

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 3624

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sally Shih whose telephone number is 703-305-8550. The examiner can normally be reached on Flexible Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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